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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JARED MATTHEW BARDEN,

9 Plaintiff,

10 v.

11 ANDREW SKAAR, et al.,

12 Defendants.

Case No. 2:17-226 JCC-BAT

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

13 Jared Matthew Barden, who is proceeding *pro se* and *in forma pauperis* in this civil rights  
14 action, has filed a motion to appoint counsel. Dkt. 11. For the following reasons, the Court  
15 **DENIES** the motion.

16 Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141  
17 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under  
18 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections*  
19 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional  
20 circumstances” exist, the Court considers “the likelihood of success on the merits as well as the  
21 ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues  
22 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

23 Mr. Barden states that he requires that appointment of counsel because he is indigent and

1 is unable to hire counsel on his own. Dkt. 11. This is not an extraordinary circumstance  
2 warranting the appointment of counsel. In addition, plaintiff has not shown that he is likely to  
3 prevail on the merits of his claim. Appointment of counsel is therefore not justified at this time,  
4 and the Court **DENIES** the motion (Dkt. 11).

5 The Clerk shall provide a copy of this Order to plaintiff and counsel for defendants.

6 DATED this 3rd day of May, 2017.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge  
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